

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2247

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Dyk, Satrom, Toman

1 A BILL ~~for an Act to create and enact chapter 15-10.6 of the North Dakota Century Code,~~  
2 ~~relating to specified concepts at institutions of higher education; to provide a report; and to~~  
3 ~~provide an expiration date.~~ to provide for a legislative management study relating to the effects  
4 of required curriculum on accreditation and related constitutional issues.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** ~~Chapter 15-10.6 of the North Dakota Century Code is created and enacted as~~  
7 ~~follows:~~

8 ~~— **15-10.6-01. Definitions.**~~

9 ~~— As used in this chapter:~~

10 ~~— 1. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or~~  
11 ~~to a member of a race or sex, because of their race or sex, and includes a claim that,~~  
12 ~~consciously or subconsciously, and by virtue of a individual's race or sex, a member of~~  
13 ~~a race is inherently racist or inclined to oppress others, or a member of a sex is~~  
14 ~~inherently sexist or inclined to oppress others.~~

15 ~~— 2. "Race or sex stereotyping" means ascribing a character trait, value, moral and ethical~~  
16 ~~code, privilege, status, or belief to a race or sex, or to an individual because of the~~  
17 ~~individual's race or sex.~~

18 ~~— 3. "Specified concept" means a concept that:~~

19 ~~— a. One race or sex is inherently superior or inferior to another race or sex;~~

20 ~~— b. An individual, by virtue of the individual's race or sex, is inherently privileged,~~  
21 ~~racist, sexist, or oppressive, whether consciously or subconsciously;~~

22 ~~— c. An individual should be discriminated against or receive adverse treatment~~  
23 ~~because of the individual's race or sex;~~

24 ~~— d. An individual's moral character is determined by the individual's race or sex;~~

- 1 ~~e. An individual, by virtue of the individual's race or sex, bears responsibility for an~~
- 2 ~~action committed in the past by other members of the same race or sex;~~
- 3 ~~f. An individual should feel discomfort, guilt, anguish, or another form of~~
- 4 ~~psychological distress solely because of the individual's race or sex;~~
- 5 ~~g. A meritocracy is inherently racist or sexist, or designed by a particular race or sex~~
- 6 ~~to oppress another race or sex;~~
- 7 ~~h. This state or the United States is fundamentally or irredeemably racist or sexist;~~
- 8 ~~i. Promotes or advocates the violent overthrow of the United States government;~~
- 9 ~~j. Promotes division between, or resentment of, a race, sex, religion, creed,~~
- 10 ~~nonviolent political affiliation, social class, or class of people;~~
- 11 ~~k. Ascribes a character trait, value, moral or ethical code, privilege, or belief to a~~
- 12 ~~race or sex, or to an individual because of the individual's race or sex;~~
- 13 ~~l. The rule of law does not exist, but instead is a series of power relationships and~~
- 14 ~~struggles among racial or other groups;~~
- 15 ~~m. All Americans are not created equal and are not endowed by their creator with~~
- 16 ~~certain unalienable rights, including life, liberty, and the pursuit of happiness;~~
- 17 ~~n. Governments should deny to any person within the government's jurisdiction the~~
- 18 ~~equal protection of the law;~~
- 19 ~~o. Includes race or sex stereotyping; or~~
- 20 ~~p. Includes race or sex scapegoating.~~
- 21 ~~4. "Training" includes a noncredit earning:~~
- 22 ~~a. Seminar;~~
- 23 ~~b. Workshop; or~~
- 24 ~~c. Orientation.~~
- 25 ~~**15-10.6-02. Specified concept – Prohibition on discrimination.**~~
- 26 ~~1. A student or employee of an institution under the control of the state board of higher~~
- 27 ~~education may not be:~~
- 28 ~~a. Penalized, discriminated against, or receive adverse treatment due to the~~
- 29 ~~individual's refusal to support, believe, endorse, embrace, confess, act upon, or~~
- 30 ~~otherwise assent to or oppose a specified concept.~~

- 1 ~~\_\_\_\_\_ b. Required to endorse or oppose a specific ideology or political viewpoint to be~~  
2 ~~\_\_\_\_\_ eligible for hiring, tenure, promotion, or graduation.~~
- 3 ~~\_\_\_\_\_ 2. An institution under the control of the state board of higher education may not ask the~~  
4 ~~\_\_\_\_\_ ideological or political viewpoint of a student, job applicant, job candidate, or candidate~~  
5 ~~\_\_\_\_\_ for promotion or tenure.~~
- 6 ~~\_\_\_\_\_ 3. An individual who believes a violation of this section has occurred may pursue all~~  
7 ~~\_\_\_\_\_ equitable or legal remedies that may be available to the individual in a state or federal~~  
8 ~~\_\_\_\_\_ court of competent jurisdiction.~~
- 9 ~~\_\_\_\_\_ **15-10.6-03. Prohibition on specified concept training.**~~
- 10 ~~\_\_\_\_\_ 1. An institution under the control of the state board of higher education may not:~~
- 11 ~~\_\_\_\_\_ a. Conduct mandatory noncredit earning training of a student or employee if the~~  
12 ~~\_\_\_\_\_ training includes a specified concept.~~
- 13 ~~\_\_\_\_\_ b. Use a noncredit earning training program or training materials in a noncredit~~  
14 ~~\_\_\_\_\_ earning training for a student or employee if the program or material includes a~~  
15 ~~\_\_\_\_\_ specified concept.~~
- 16 ~~\_\_\_\_\_ c. Use funds appropriated by the state to incentivize, beyond payment of regular~~  
17 ~~\_\_\_\_\_ salary or other regular compensation, a faculty member to incorporate a specified~~  
18 ~~\_\_\_\_\_ concept into academic curriculum.~~
- 19 ~~\_\_\_\_\_ 2. If an institution under the control of the state board of higher education employs an~~  
20 ~~\_\_\_\_\_ individual whose primary duties include diversity, the duties of that employee also~~  
21 ~~\_\_\_\_\_ must include efforts to strengthen and increase intellectual diversity among students~~  
22 ~~\_\_\_\_\_ and faculty of the institution at which the individual is employed.~~
- 23 ~~\_\_\_\_\_ **15-10.6-04. Student and employee survey - Report to legislative management.**~~
- 24 ~~\_\_\_\_\_ Each institution under the control of the state board of higher education shall:~~
- 25 ~~\_\_\_\_\_ 1. Conduct a biennial, confidential, and statistically sound survey of the institution's~~  
26 ~~\_\_\_\_\_ students and employees to assess the campus climate regarding diversity of thought~~  
27 ~~\_\_\_\_\_ and the respondents' comfort level in speaking freely on campus, regardless of~~  
28 ~~\_\_\_\_\_ political affiliation or ideology.~~
- 29 ~~\_\_\_\_\_ 2. Publish the biennial survey's results on the institution's website.~~

1 ~~3. Report the biennial survey's results to an interim committee designated by the~~  
2 ~~legislative management to receive the report during the interim following the survey's~~  
3 ~~completion.~~

4 ~~**15-10.6-05. Construction and purpose.**~~

5 ~~1. This chapter may not be interpreted to prohibit:~~

6 ~~a. An individual who provides training from responding to a question regarding a~~  
7 ~~specified concept so long as the response does not endorse, advocate, or~~  
8 ~~oppose a specified concept;~~

9 ~~b. An institution from considering the subject matter competency of a candidate for~~  
10 ~~a faculty position or promotion if the subject matter is germane to the candidate's~~  
11 ~~field of scholarship;~~

12 ~~c. An institution from training students or employees on the nondiscrimination~~  
13 ~~requirements of federal or state law, or from requiring a student, faculty member,~~  
14 ~~or employee to comply with federal or state laws, including antidiscrimination~~  
15 ~~laws, or from taking action against a student, professor, or employee for a~~  
16 ~~violation of federal or state law; or~~

17 ~~d. Limit or restrict the academic freedom of faculty or to prevent faculty members~~  
18 ~~from teaching, researching, or writing publications about the specified concepts~~  
19 ~~or related topics.~~

20 ~~2. This chapter does not authorize an institution to infringe on the rights of freedom of~~  
21 ~~speech protected by the First Amendment to the United States Constitution.~~

22 ~~**SECTION 2. EXPIRATION DATE.** Section 15-10.6-04, as created by section 1 of this Act, is~~  
23 ~~effective through July 1, 2028, and after that date is ineffective.~~

24 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EFFECTS OF PROHIBITING**  
25 **SPECIFIED CONTENT IN ACADEMIC CURRICULUM OR TRAINING.** During the 2023-24  
26 interim, the legislative management shall consider studying the effects of prohibiting specified  
27 content in academic curriculum or in the training of students or school employees. The study  
28 must include possible effects on the accreditation status of North Dakota's eleven institutions of  
29 higher education. The study also must examine potential conflicts between such prohibitions  
30 and the United States Constitution and article VIII of the Constitution of North Dakota, including  
31 the constitutional authority of the state board of higher education. The legislative management

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- 1 shall report its findings and recommendations, together with any legislation required to
- 2 implement the recommendations, to the sixty-ninth legislative assembly.